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To:

Office of the Clerk, J. Michael McMahon  
U.S. District Court for the Southern District of New York

August 31, 2009

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05-CV-8136

Google, Inc. has been scanning texts available at university libraries in the United States and recording that digital information without any prior consent from copyright holders and publishers as part of its business endeavor called the Google Books Library Project,

Despite claiming that the scanned texts would be out-of-print books or books not being sold, Google has interpreted this to mean books not being sold in the United States; and the company has proceeded to scan books that are still currently in print and circulating in Japan. We have learned that in the case of our company, Kobushi Shobo, Google has already scanned and digitalized 58 of the books we publish without having obtained our permission.

For the reasons listed below, Kobushi Shobo protests the actions carried out by Google, Inc. and demands that Google, Inc. immediately cease its digitalization and release to the public of books published by Kobushi Shobo.

The Author's Guild et al v. Google Inc.

Doc. 581

- (1) We strongly reject the action carried out by Google, as it infringes upon the publication and sale of books based upon contracts signed between the author (copyright holder) and the publishing company.
- (2) Google, Inc. has proceeded to scan books published by Kobushi Shobo which should not have been scanned, given Google, Inc.'s claim that its project would be limited to out-of-print books and books not being sold (Kobushi Shobo currently has no out-of-print book titles).
- (3) We believe that it is unjust, in the first place, for Google, Inc. to scan books for commercial purposes without the prior consent of the author (copyright holder). This action is a gross violation of the copyright laws of Japan.
- (4) Even if Google, Inc.'s digitalization of books were in fact limited to out-of-print books or books not being sold, Kobushi Shobo would still object to the actions of a private US company that scans such books and offers them to the public on the Internet.

For the four reasons stated above, Kobushi Shobo herin declares to the U.S.District Court for the Southern District of New York that it is **opting out** of the Google Book Settlement.

Sincerely yours,

Kobushi Shobo

Masahiko Nishii (President)

*Masahiko Nishii*